

FAQ's 1% Rule

1. Does the 1% rule apply to the total number of students taking the Dakota STEP or just those students taking the state alternate assessment (Dakota STEP-A)?

To calculate the one percent of students counted towards alternate achievement standards, districts must figure the total number of students tested in grades 3-8 and 11. For example, if a district tested 324 students, the district would be allotted 3.24 students who meet the significant cognitive disability criteria to apply towards the one percent of students counted toward alternate achievement standards.

2. Can I round up (ex. 1.9 = 2 students)?

No, you must work with exact numbers. Therefore when figuring your 1% based on students tested in grades 3-8 and 11, you must use the whole number and disregard any decimal amount (eg: 5.24% = 5 students and 5.89% = 5 students). If you need to exceed that number you need to request a waiver.

3. Does the 1% rule apply to districts or individual school buildings?

The rule applies to districts. District will be able to distribute the student numbers among their school buildings at their discretion. This distribution will be made after the completion of the testing window and results have been scored.

4. Does each district have to complete a 1% exception request?

No – each district is automatically granted up to 1% of all students, tested on the alternate assessment and who meet the significant cognitive disability criteria, in grades 3-8 and 11 to be counted against alternate achievement standards.

5. Why can't we be granted the exception earlier so we know how many students we can have take the state alternate assessment (Dakota STEP-A)?

The determination of students who should take the state alternate assessment (Dakota STEP-A) is independent of the 1% rule. Following the steps outline on the Flowchart for assessment determination on the IEP located at: <http://doe.sd.gov/oess/specialed/index.asp>, IEP teams may allow as many students as they feel is necessary to take the alternate assessment. Of the students taking the Dakota STEP-A, only those who meet the criteria for significantly cognitively disabled can be counted towards the 1% of students who are measured against alternate achievement standards. If that number exceeds 1%, the district may make an exception request.

IEP teams make the determination of whether or not a student requires an alternate assessment. District should not consider how many students they can count against alternate achievement standards, but rather should focus upon those students for whom their educational program is based upon the South Dakota Extended Content and Alternate Academic Achievement Descriptors for Students with Significant Cognitive Disabilities who have a significant cognitive disability and whose instruction is focused on acquiring life skills.

6. What if there is not a clear reason why there are so many students with significant cognitive disabilities in my district?

Districts must explain their data in a manner that will demonstrate why they may need to exceed counting 1% of their students against alternate achievement standards. A peer review panel will make the determination of whether or not to recommend exceeding the 1% figure for individual

districts. It is important to remember that the state also must address 1% as a whole, and therefore cannot grant unlimited waivers or excessive percentages.

7. Is every child taking the Dakota STEP-A counted as proficient?

No. Students who take the Dakota STEP-A are provided the same opportunities to demonstrate proficiency as those students who take the Dakota STEP. Each student's individual performance will be rated against a set of established cut scores that will provide the determination of whether or not they have demonstrated proficiency. Therefore, it is expected that students will demonstrate a range of performance levels from proficient to less than proficient. Keep in mind that the alternate achievement standards have different names for performance levels. The equivalent for proficient is applying. Likewise, advanced - advancing, basic – developing, and below basic – introducing.

Dakota STEP	STAARS
Advanced	Advancing
Proficient	Applying
Basic	Developing
Below Basic	Introducing

8. What students can be counted in the 1% rule?

Students who can be counted in the 1% rule are those whose IEP team determined that they needed to be tested against alternate achievement standards and meet the criteria for significant cognitive disabilities.

<http://doe.sd.gov/oess/specialed/ruleexemption/docs/SDSCDELIGIBILITYCRITERIA.doc>

It is important to note that the Dakota STEP-A is not intended as a test for students with disabilities who are performing somewhat below grade level. A district must remember that a student must meet the significant cognitive disabilities criteria to be considered eligible and apply toward the 1% rule.

9. How large of an exception can my district request?

Exceptions are intended to be increments above 1%. An exception request of 2% or more would be considered excessive and would require extensive documentation and data to be granted. Last year the State of South Dakota tested approximately 560 students against alternate achievement standards. This figure is within 1% of all students tested. We would not expect statewide figures to be dramatically different this year. The waiver committee will consider the number of students tested against alternate achievement standards in previous years when reviewing exception requests.

10. Do students taking Dakota STEP-A placed in out-of-district schools count towards our 1%?

If the student is enrolled in the school's SIMS database and is counted on the district's child count, that student will be counted in the district's tested population for determination of AYP status.